



1490

## MANUAL OF PATENT EXAMINING PROCEDURE

PTO/SB/26 (10-00)

Approved for use 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING<br>REJECTION OVER A PRIOR PATENT  |  | Docket Number (Optional)<br><i>R55W13</i> |
|---|--|---|
| In re Application of: <i>Steven R. Wurzburg</i>   |  |   |
| Application No.: <i>10/021793</i>   |  |   |
| Filed: <i>12/12/01</i>  |  |   |
| For: <i>High Strength Antiseptic Composition.</i>   |  |   |
| The owner, <i>S. Wurzburg</i> , <i>100%</i> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. <i>6,839,514</i> . The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.        |  |   |
| In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. |  |   |
| Check either box 1 or 2 below, if appropriate.  |  |   |
| 1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.  |  |   |
| I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.   |  |   |
| 2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record.   |  |   |
| <i>Robert Samuel Smith</i>  |  | <i>05-09-03</i>                           |
| Signature   |  | Date                                      |
| <i>Robert S. Smith</i>  |  |   |
| Typed or printed name   |  |   |
| <input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.  |  |   |
| WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.  |  |   |
| *Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.   |  |   |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

05/16/2003 SSESHE1 00000067 10021793

01 FC:2814  
02 FC:999855.00 OP  
5.00 OP



5-15-3

1617  
RECEIVED

MAY 18 2003

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: S. Wurzbuger

Examiner: Criares

Application number: 10/021793

Art Unit: 1617

Filed: 12/12/01

May 10, 2003

The HONORABLE COMMISSIONER OF PATENTS

TERMINAL DISCLAIMER TO OVERCOME DOUBLE PATENTING REJECTION

Sir:

In response to an Office Action mailed March 21, 2003, to which a response is due June 21, 2003, and in which claims 1-27 were rejected under the doctrine of double patenting, Applicant hereby submits a terminal disclaimer to overcome the rejection. The fee of \$ 60.00 for a small entity filing a terminal disclaimer under C.F.R. 1.120 d is enclosed.

Respectfully submitted,

*Robert Samuel Smith*

Robert Samuel Smith

408 287 1894

I certify that I have addressed this document to the Commissioner of Patents and deposited it as Express Mail with the United States Postal Service.

Certificate Number ET 571801079<sup>US</sup> on May 14, 03

*Robert S. Smith*